BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2007-234
SANDRA LOUISE SPEEGLE 306 Red Bud Lane Decatur, AL 35603	
Registered Nurse, License No. 580594	
Respondent.	
DECISION AND	ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

> This Decision shall become effective on October 29,2007 It is so ORDERED September 28,2007

> > Latanem What

FOR THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS

1	EDMUND G. BROWN JR., Attorney General			
2	of the State of California FRANK H. PACOE			
3	Supervising Deputy Attorney General LESLIE E. BRAST, State Bar No. 203296			
4	Deputy Attorney General California Department of Justice			
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004			
6	Telephone: (415) 703-5548 Facsimile: (415) 703-5480			
7	Attorneys for Complainant			
8	BEFORE 7	гне		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS			
10	STATE OF CAL			
11	In the Matter of the Accusation Against:	Case No. 2007-234		
12	SANDRA LOUISE SPEEGLE 306 Red Bud Lane			
13	Decatur, AL 35603	STIPULATED SURRENDER OF		
14	D i d lay vi av soood	LICENSE AND ORDER		
	Registered Nurse License No. 58094			
15	Respondent.			
16				
17	IT IS HEREBY STIPULATED AND	AGREED by and between the parties in this		
18	proceeding that the following matters are true:			
19	<u>PARTIE</u>	<u>S</u>		
20	1. Ruth Ann Terry, M.P.H, R.N	(Complainant), is the Executive Officer of		
21	the Board of Registered Nursing (Board), Department of Consumer Affairs. She brought this			
22	action solely in her official capacity and is represente	ed in this matter by Edmund G. Brown Jr.,		
23	Attorney General of the State of California, by Leslie E. Brast, Deputy Attorney General.			
24	2. Sandra Louise Speegle (Respo	endent) is representing herself in this		
25	proceeding and has chosen not to exercise her right to	be represented by counsel.		
26	3. On or about May 4, 2001, the	Board issued Registered Nurse License No.		
27	58094 to Respondent. The license was in full force a	and effect at all times relevant to the charges		
28	brought in Accusation No. 2007-234. It expired on F	Pebruary 28, 2007 and has not been renewed.		

JURISDICTION

4. Accusation No. 2007-234 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 21, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-234 is attached as "Exhibit A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-234. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-234, agrees that cause exists for discipline and hereby surrenders Registered Nurse License No. 58094 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered
Nursing. Respondent understands and agrees that counsel for Complainant and Board staff may
communicate directly with the Board regarding this stipulation and surrender, without notice to
or participation by Respondent. By signing the stipulation, Respondent understands and agrees
that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect and, except
for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 58094, issued to Respondent Sandra Louise Speegle, is surrendered and accepted by the Board of Registered Nursing.

- 1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

- 3. Respondent shall cause to be delivered to the Board both her pocket license and wall certificate on or before the effective date of the Decision and Order.
- 4. Respondent fully understands and agrees that if she ever reapplies for licensure in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2007-234 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Upon reinstatement of the license, Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$9,094.25, pursuant to Business and Professions Code section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.
- 6. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2007-234 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: June 11 2007

Sandra Louise Speegle

Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: EDMUND G. BROWN JR., Attorney General of the State of California FRANK H. PACOE Supervising Deputy Attorney General Deputy Attorney General Attorneys for Complainant .SF2006402881 40137137.wpd

Exhibit A
Accusation No. 2007-234

1	EDMUND G. BROWN JR., Attorney General of the State of California				
2	FRANK H. PACOE				
3	Supervising Deputy Attorney General LESLIE E. BRAST, State Bar No. 203296				
4	Deputy Attorney General California Department of Justice				
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004				
6	Telephone: (415) 703-5548 Facsimile: (415) 703-5480				
7	Attorneys for Complainant				
8	BEFORE T	THE			
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS				
ļ	STATE OF CAL				
10	In the Matter of the Accusation Against:	Case No. 2007 - 234			
11 }	SANDRA LOUISE SPEEGLE				
12	805 Westwood Drive S.W. Decatur, AL 35601	ACCUSATION			
13	Registered Nurse License No. 580594				
14	· ·				
15	Respondent.				
16	Complainant alleges:				
17	<u>PARTIE</u>	<u>S</u>			
18	1. Ruth Ann Terry, M.P.H, R.N	("Complainant"), brings this Accusation			
19	solely in her official capacity as the Executive Offic	er of the Board of Registered Nursing			
20	("Board"), Department of Consumer Affairs.				
21	2. On or about May 4, 2001, the	Board issued Registered Nurse License			
22	Number 580594 to Sandra Louise Speegle ("Respor	ident"). The license was in full force and			
23	effect at all times relevant to the charges brought he	rein. The license expired on February 28,			
24	2007, and has not been renewed.				
25	JURISDICT	CION			
26	3. This Accusation is brought be	efore the Board under the authority of the			
27	following laws. All section references are to the Bu	siness and Professions Code ("Code") unless			
28	otherwise indicated				

	4.	Code section 2750 provides, in pertinent part, that the Board may
discipline any	y license	e, including a licensee holding a temporary or an inactive license, for any
reason provid	led in A	rticle 3 (commencing with section 2750) of the Nursing Practice Act.

- 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
 - 6. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . ."
 - 7. Code section 2725, subdivision (b), states, in pertinent part:

"The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following:

- (1) Direct and indirect patient care services that ensure the safety, comfort, personal hygiene, and protection of patients . . .
- (4) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (A) determination of whether the signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics, and (B) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures."

11 /

1	8. Californ
2	negligence," as used in Code s
3	care which, under similar circ
4	registered nurse." An extreme
5	nursing care or "failure to pro
6	which the nurse knew, or shou
7	9. Californ
8	"incompetence," as used in Co
9	exercise that degree of learnin
10	a competent registered nurse a
11	10. Californ
12	A regis
13	when he/she co scientific know
14	in applying the
15	(1) For the client's phy
16	interpretation of including the h
17	(2) For
18	which ensures for the client's
19	disease preven
20	(3) Per to be taken, ex
21	and teaches the needs.
22	(4) De
23	scopes of pract capability need
24	supervises nurs

nia Code of Regulations, title 16, section 1442, provides that "gross" section 2761, includes an "extreme departure from the standard of umstances, would have ordinarily been exercised by a competent e departure means the "repeated failure" to provide required vide care or to exercise ordinary precaution in a single situation ald have known, could have jeopardized the client's health or life."

nia Code of Regulations, title 16, section 1443, provides that ode section 2761, "means the lack of possession of or the failure to g, skill, care and experience ordinarily possessed and exercised by is described in Section 1443.5."

nia Code of Regulations, title 16, section 1443.5 states:

tered nurse shall be considered to be competent onsistently demonstrates the ability to transfer ledge from social, biological and physical sciences nursing process, as follows:

- mulates a nursing diagnosis through observation of sical condition and behavior, and through of information obtained from the client and others, ealth team.
- mulates a care plan, in collaboration with the client, that direct and indirect nursing care services provide safety, comfort, hygiene, and protection, and for tion and restorative measures.
- forms skills essential to the kind of nursing action plains the health treatment to the client and family e client and family how to care for the client's health
- legates tasks to subordinates based on the legal tice of the subordinates and on the preparation and led in the tasks to be delegated, and effectively sing care being given by subordinates.
- (5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

27

25

26

4

9

10 11

12

13 14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

(6) Acts as the client's advocate, as circumstances require. by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

11. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

- 12. Between about April 1 and July 3, 2004, Respondent worked as a traveling nurse assigned to the perinatal unit of Saint Joseph Hospital ("SJH") in Eureka, California. On or about June 19, 2004, Respondent was working as the charge nurse when a pregnant patient, Ms. X, presented, apparently at or near term, requesting labor care. The Perinatal unit was busy that night in that Respondent, who was covering labor and delivery alone, was assisting with an actively laboring patient requiring one-on-one care. Two other nurses were listed on the schedule as "on-call," though Respondent did not call in either nurse before or upon Ms. X's arrival.
- 13. Ms. X, who spoke little English and had a relative interpret for her. complained of regular contractions. She indicated she had come to SJH because she feared she would not make it 20 minutes further to Mad River Community Hospital ("MRCH"), where her prenatal care provider was apparently located, before she delivered her baby. Ms. X was given a gown and placed in an exam room. Shortly thereafter, Respondent performed a vaginal examination to evaluate Ms. X's labor progress. Respondent informed Ms. X that her cervix was about 3 centimeters ("cm") dilated.
- 14. Respondent neither admitted Ms. X nor did she notify a physician of Ms. X's presence or status. Respondent advised Ms. X that she had time to travel to MRCH by private car and sent her there for delivery. Respondent did not listen to the fetal heart tones or

^{1.} In order to protect her privacy, the patient is alternatively described as "Ms. X" and "Patient 1" in investigative documents; these will be disclosed to Respondent during discovery.

otherwise assess the well-being of the fetus and failed to inform a physician of the patient's presence or medical status. Respondent asked no questions of Ms. X regarding her health, medical or pregnancy history consistent with standardized triage of obstetric patients. Frightened, Ms. X asked for transfer by ambulance but Respondent declined her request. Ms. X left SJH at approximately 11:10 PM. She arrived at MRCH at around 11:30 PM in active labor with regular contractions 2 to 3 minutes apart and her cervix fully effaced (thinned) and dilated to 6 cm.

- 15. All of Respondents actions were performed independent of consult with or notification of a physician and without any documentation. Respondent never recorded her examination, findings, or transfer of the patient. She failed to provide any notification to the hospital of transfer or transmit to MRCH any documentation of Ms. X's visit to SJH or the medical status of Ms. X or her fetus. Respondent did not give Ms. X any documentation to deliver upon her arrival regarding her visit to SJH or the medical status of Ms. X or her fetus.
- 16. Upon subsequent investigation, Respondent provided multiple versions of the events, initially describing the patient as 3 cm dilated and admitting her failure to document her actions because she was "too busy." Months later, Respondent described the patient as only 1.5 cm dilated and suggested that she had insisted Ms. X stay at SJH, but that Ms. X refused and left.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence and/or Incompetence:

Mistreatment of an Obstetric Patient; Improper Discharge; Charting Failures)

- 17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), as defined by California Code of Regulations, title 16, sections 1442, 1443, and 1443.5, for gross negligence and/or incompetence in carrying out her ususal licensed nursing functions in that, as described above in Paragraphs 12 through 16, she:
- a. Failed to exercise ordinary precaution when she assessed a patient presenting at term who indicated she was in labor;
 - b. Failed to exercise ordinary precaution when she neglected to assess the

1

2

c. Failed to exercise ordinary precaution when she directed the patient to another hospital without either obtaining a medical examination for the patient prior to her departure or obtaining transport by ambulance for the patient and her fetus;

4 5

d. Failed to exercise ordinary precaution when she failed to document the patient's presence, Respondent's examination, findings or actions; and,

6 7

e. Failed to exercise ordinary precaution when she neglected to notify the hospital of transfer of the patient's imminent arrival, or inform the receiving hospital of the patient's condition or the condition of her fetus.

8

10

SECOND CAUSE FOR DISCIPLINE

11 12

(Unprofessional Conduct:

13

Mistreatment of an Obstetric Patient; Improper Discharge; Charting Failures)

14

18. Respondent is subject to disciplinary action under Code sections 2761,

15

subdivision (a), in that she conducted herself unprofessionally when she directed a pregnant

16

patient presenting at term with complaints of regular uterine contractions to travel by car to

17

another hospital without fully assessing the condition of both the patient and her fetus, reporting

18

the relevant information to a physician, making contact with the receiving hospital, offering

19

transport by ambulance, documenting her assessment of the patient, or creating any record of the

patient's visit. The circumstances are detailed in Paragraphs 12 through 16, above.

20

21 22

THIRD CAUSE FOR DISCIPLINE

23

(Unprofessional Conduct: Dishonesty)

24

19.

Respondent is subject to disciplinary action under Code section 2761,

25

subdivision (a), for dishonesty when, after initially admitting examination of an obstetric patient,

26

sending her to another hospital and failing to document her actions, Respondent modified her

27

statement upon subsequent interview including fabrication of circumstances more favorable to

28

her defense. The circumstances are detailed in Paragraphs 12 through 16, above.

1 |

OTHER MATTERS

20. Pursuant to the findings of the California Department of Health and Human Services, between June 1 and June 30, 2004, while working as a traveling nurse assigned to the perinatal unit at SJH, Respondent discharged at least four obstetric patients, in addition to Ms. X, without documenting their medical screening examination by a physician or other qualified clinician to rule out labor or to rule out an emergency medical condition.

<u>PRAYER</u>

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 580594,
 issued to Sandra Louise Speegle;
- 2. Ordering Sandra Louise Speegle to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 3(12 (07

RUTH ANN TERRY, M.P.H. R.N

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

SF2006402881 40129706.wpd